

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JEREMY LEE,

Plaintiff,

v.

No. 21-cv-0578 WJ-GJF

NEW MEXICO DEPARTMENT OF CORRECTIONS,

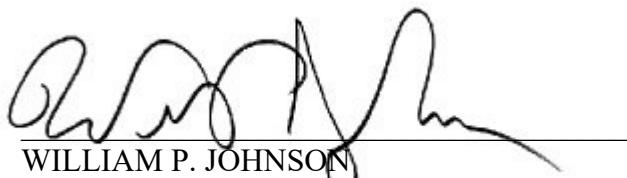
Defendant.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff's failure to prosecute this prisoner civil rights action. By an Order entered June 28, 2021, the Court granted leave to proceed *in forma pauperis* and directed Plaintiff to make an initial partial payment of \$39.37. (Doc. 3). Such payment is required by statute. *See* 28 U.S.C. § 1915(b)(1). The amount represents 20% of the greater of his average monthly deposits or balance for the six-month period preceding this action. Plaintiff was warned that the failure to timely comply will result in the dismissal of this case without further notice. The payment deadline was July 28, 2021. Plaintiff failed to comply or otherwise respond. Accordingly, the Court will dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's orders." *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS ORDERED that Plaintiff's Civil Rights Complaint (Doc. 1) is **DISMISSED without prejudice**; and the Court will enter a separate judgment closing the case.

SO ORDERED.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE